IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

VICTOR VASQUEZ,

           Plaintiff,   ORDER

     v.   08-cv-597-slc

LT. DANIEL BRAEMER and
MICHAEL BIERSAK,

           Defendants.

In this case plaintiff is proceeding on his Eighth Amendment claim that defendant Braemer and Biersak used excessive force on him. Now before the court is plaintiff's motion compel defendants to answer his second set of interrogatories, ##1 and 8, and to provide photographs in response to his first request for production of documents, #1.

In his interrogatory # 1, plaintiff requests that defendants provide the identities of all the first shift tier tenders working in the south cell hall from May 3, 2006 and May 6, 2006. Defendants object that the interrogatory requests information not relevant or reasonably calculated to lead to admissible evidence. I disagree. The inmate workers working on the day of the incident and shortly thereafter would provide plaintiff with names of potential witnesses. However, defendants stated that they do not have a record of this information and conducting any inquiry to discover the requested information would be overly burdensome. Therefore, plaintiff's motion to compel defendants to respond to interrogatory # 1 will be denied.

In interrogatory #8 plaintiff asks, "how is the application of the virtual wall stun intended to 'gain compliance'?" Defendant object , stating that the release of this information would breach the security of the institution. Therefore, I will not require defendants ton answer this interrogatory.

Also plaintiff states that, although defendants agreed to provide photographs in response to his first request for production of documents #1 these photographs have not been provided to him. Defendants have responded that they have located the photographs and are providing them to plaintiff.

ORDER

IT IS ORDERED that plaintiff's motion to compel discovery, dkt. #16, is DENIED. Entered this 15th day of July, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge